



Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations

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395 John Ireland Boulevard
St. Paul, MN 55155-1899

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218148

November 22, 2006

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



Re: STB Docket No. AB-6 (Sub-No.455X) *BNSF Railway*
--*Abandonment Exemption--in Stearns County, MN*
Petition for Public Use and Interim Trail Use Condition

ENTERED
Office of Proceedings

NOV 27 2006

Part of
Public Record

Dear Mr. Williams:

Enclosed for filing are the original petition and ten (10) copies for the above-described exemption.

These petitions have been sent to you via certified U.S. Mail as an acknowledgement of receipt.

By my signature below, I certify service upon Jake DeBoever, BNSF Railway Co. P.O. Box 961039, Ft. Worth, TX 76161-0039

Respectfully submitted,

Robert R. Rickert
State Rail Bank Program Manager

Cc: Jake DeBoever-attorney for BNSF Railway *sent via certified U.S. Mail*
Jamie Hukriede- Mn/DOT District 3 ROW Engineer *sent via e-mail*
Dan Collins- Mn/DNR Regional Manager *sent via e-mail*



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Dear Mr. Williams:

This request is filed on behalf of the Minnesota Department of Transportation and Minnesota Department of Natural Resources, which are state agencies interested in transportation and natural resources hereinafter referred to as "proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between MP 16.21 to MP 17.00 near Cold Spring in Stearns County Minnesota.

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: the rail corridor in question would allow the realignment of Minnesota Trunk Highway 23 and custodial exchange of property for the continuation of the state's Glacial Lakes Trail.
2. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to conduct title searches, negotiate the terms of sale with the railroad and conduct at least one public hearing regarding the proposed acquisition.

STATEMENT OF WILLINGNESS TO ASSUME

FINANCIAL RESPONSIBILITY

Under section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) and 49 CFR 1152.29, the State of Minnesota is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any and all taxes that maybe levied or assessed against the right-of-way owned and operated by BNSF Railway Company.

The Property, a part thereof, known as the St. Cloud to Willmar line, extends from railroad milepost 16.21 to railroad milepost 17.00, a distance of .79 mile in Stearns County Minnesota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No.AB-6 (Sub-No. 455X).

A map depicting the right-of-way is attached.

The State of Minnesota acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the BNSF Railway Company, P.O. Box 961039, Ft. Worth, TX 76161-0039 via certified U.S. Mail, this 22nd day of November 2006.

Respectfully submitted,



Robert R. Rickert
State Rail Bank Program Manager

Cc: Jake DeBoever-attorney for BNSF Railway *sent via certified U.S. Mail*
Jamie Hukriede- Mn/DOT District 3 ROW Engineer *sent via e-mail*
Dan Collins- Mn/DNR Regional Manager *sent via e-mail*

COLD SPRING, MINNESOTA TRACKAGE

